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RESPECT FOR THE PRIVILEGES AND IMMUNITIES OF OFFICIALS OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS

Draft resolution submitted by the Chairman following informal consultations

The General Assembly,

Recalling that, under Article 105 of the Charter of the United Nations, all officials of the Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization,

Also recalling that, under Article 100 of the Charter, each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities,

Further recalling the Convention on the Privileges and Immunities of the United Nations,[1] the Convention on the Privileges and Immunities of the Specialized Agencies,[2] the Agreement on the Privileges and Immunities of the International Atomic Energy Agency[3] and the United Nations Development Programme standard basic assistance agreements,

Stressing that respect for the privileges and immunities of officials of the United Nations and the specialized agencies is becoming even more imperative

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[1] Resolution 22 A (I).

[2] Resolution 179 (II).

[3] United Nations, Treaty Series, vol. 347, p. 147.

owing to the growing number of assignments entrusted by Member States to the organizations of the United Nations system,

Recalling its resolution 76 (I) of 7 December 1946, in which it approved the granting of the privileges and immunities referred to in articles V and VII of the Convention on the Privileges and Immunities of the United Nations to all members of the staff of the United Nations, with the exception of those who are recruited locally and are assigned to hourly rates,

Also recalling its resolution 43/173 of 9 December 1988, to which is annexed the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, including the principle that all persons under arrest or detention shall be provided whenever necessary with medical care and treatment,

Reiterating the obligation of all officials of the Organization in the conduct of their duties to observe fully both the laws and regulations of Member States and their duties and responsibilities to the Organization,

Mindful of the responsibility of the Secretary-General to safeguard the functional immunity of all United Nations officials,

Mindful also of the importance in this respect of the immediate provision by Member States of adequate information concerning the arrest and detention of staff members and, more particularly, of their granting of access to them,

Bearing in mind the responsibility of the Secretary-General to guarantee appropriate standards of justice and due process to United Nations officials,

Recalling the relevant conventions and also its resolutions 49/59 of 9 December 1994, in which it adopted the Convention on the Safety of United Nations and Associated Personnel, and 51/137 of 13 December 1996,

1. Takes note of the report of the Secretary-General on respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations as well as their security and safety,[4] and of the statement made to the Fifth Committee by the United Nations Security Coordinator on 15 October 1996;[5]

2. Expresses its deep appreciation to United Nations personnel, including those engaged in peacekeeping and humanitarian operations, and locally recruited staff, for their efforts to contribute to achieving peace and security and to alleviating the suffering of the people living in areas of conflict;

3. Deplores the risks confronting United Nations personnel, including those engaged in peacekeeping and humanitarian operations, and locally recruited staff;

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[4] A/C.5/51/3.

[5] See A/C.5/51/SR.7.

4. Requests the Secretary-General to submit to the General Assembly at its fifty-second session a report on respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations as well as their security and safety;

5. Also requests the Secretary-General to pay special attention to Member States' restrictions, which may impede the ability of officials of the United Nations and the specialized agencies and related organizations to carry out their functions, and to report thereon to the General Assembly at its fifty-third session.